

CRM 4447 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No.103 of 2021 dated 28-03-2021 under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Malay @ Kalu Basu @ Malay Bose
.... Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Prabir Majumder

... For the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat

... For the State.

From the seizure list, it appears that a little more than 10 kgs. of Ganja (intermediate quantity) was recovered from the possession of the petitioner. Since commercial quantity of contraband item is not involved, the restrictions in Section 37 of the NDPS Act would not be attracted.

The petitioner is in custody for about 160 days. Charge-sheet has been submitted.

On an overall assessment of the material in the Case Diary and the possible extent of complicity of the petitioner, we are of the view that further custodial detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that the petitioner, namely, **Malay @ Kalu Basu @ Malay Bose**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Special Judge under NDPS Act, Nadia at Krishnagar. The petitioner

shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM 4447 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**